

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 67 be amended to read as follows:

- 1 Page 2, after line 15 , begin a new paragraph and insert:
- 2 SECTION 3. IC 11-8-2-3 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) The board shall:
- 4 (1) adopt rules for the conduct of its own business;
- 5 (2) approve or disapprove, before adoption, any rule to be
- 6 adopted by the department under IC 4-22-2;
- 7 (3) approve or disapprove, before implementation, any
- 8 resolution, ~~or~~ directive, **or other statement** of the department,
- 9 **relating including the commissioner, regardless of its name or**
- 10 **designation, that relates** to departmental organization or policy,
- 11 **including general internal organization, policies, standards,**
- 12 **or procedures applicable to one (1) or more facilities,**
- 13 **programs, or categories of persons under the jurisdiction of**
- 14 **the department, employees, or contractors; and**
- 15 (4) keep records of all its official actions and make them
- 16 accessible according to law.
- 17 (b) The board may:
- 18 (1) appoint temporary advisory committees for any purpose;
- 19 (2) visit and inspect, without notice, any facility or program of
- 20 the department, either individually or collectively, to examine
- 21 the affairs and condition of the department; and
- 22 (3) exercise any other power reasonably necessary in discharging
- 23 its duties and powers.
- 24 (c) The board has no direct administrative or executive powers
- 25 other than those granted by this section.
- 26 (d) For purposes of IC 4-22-2, the term "rule" as used in
- 27 subsection (a)(1) relates solely to internal policy, organization, and

1 procedure not having the force of law.

2 **(e) This section shall be liberally construed for conduct of the**
3 **board after June 30, 2001, to implement the intent of the general**
4 **assembly, as first stated in the commentary to the proposed final**
5 **draft of the correctional code published by the correctional code**
6 **commission in October 1977 to place policy authority in a seven (7)**
7 **member board of correction rather than a single department head.**

8 SECTION 4. [EFFECTIVE JULY 1, 2001] (a) A bylaw adopted
9 by the board of correction before October 1, 1980 (the date on
10 which the enactment of IC 11-8-2-3 became effective) is void.

11 (b) IC 11-8-2-3, as amended by this act, applies only to
12 resolutions, directives, and other statements of the department of
13 correction, including the commissioner, adopted or amended after
14 June 30, 2001. However, the board of correction may review and
15 make recommendations for change for any resolution, directive, or
16 other statement of the department of correction, including the
17 commissioner, relating to departmental organization or policy.

18 Renumber all SECTIONS consecutively.

(Reference is to Senate Bill 67 as reprinted April 6, 2001.)

Representative SMITH V